

Appl. No. : 09/547,588  
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51  
22. The physiological monitor of Claim 18, wherein said series of spectral peaks are classified using one or more rules related to said ratio.

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23. The physiological monitor of Claim 18, wherein said series of spectral peaks are classified using one or more rules related to said ratio and frequencies of said spectral peaks.

#### Remarks

The foregoing amendments are responsive to the January 15, 2002, Office Action. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

#### Response to Rejection of Claim 1

Applicants have canceled Claim 1 in response to the Examiner's rejection.

#### New Claims 2-23

Applicants have added Claims 2-23. Applicants believe that Claims 2-23 are patentably distinct over the prior art, and Applicants request allowance of Claims 2-23.

#### Summary

Applicants respectfully assert that Claims 2-23 are in condition for allowance, and Applicants request allowance of Claims 2-23. If there are any remaining issues that can be resolved by a telephone conference, the Examiner is invited to call the undersigned attorney at (949) 721-6305 or at the number listed below.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: Lee W. Henderson  
Lee W. Henderson Ph.D.  
Registration No. 41,830  
Attorney of Record  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660  
(949) 760-0404